

NOTICE TO INVENTOR

DUTY OF DISCLOSURE AND INVENTORSHIP

TO: Vernon R. Rothschild, John R. Fox, Russell J. Rothschild,
Kelly Ann Rothschild

FROM: Bradley D. Blanche

Date: October 15, 1996

Subject: NATURAL FOOT ORTHOSIS AND METHOD OF MANUFACTURING
THE SAME

Enclosed please find the draft of your patent application.

Before executing the application, you should know that the U.S. Patent and Trademark Office (Patent Office) imposes a duty of good faith and candor on inventors. Included is the duty to disclose all information you know of that is material to the patent application.

"Information" is considered material by the Patent Office if it, taken by itself or in combination with other information, could show unpatentability when the claims are given their broadest reasonable interpretation or could be considered inconsistent with a position taken by the applicant(s) to show patentability. "Information" must be forwarded to the Patent Office despite the fact that other information could establish patentability, such as commercial success data or comparative test results. Some examples of such "information" are:

- prior published patents, articles, product announcements, technical reports, or lectures;
- evidence that the claimed invention was in public use, demonstrated publicly, or on sale more than one year before the filing date of the U.S. application;
- information that the claimed invention was made in the U.S. by someone other than the inventor named in the application.
- related pending patent applications known to you.

0792-119

Materiality of information of the type exemplified by, but not limited to that listed above, is measured by the scope of the claims in an application, particularly the broadest claim[s]. Therefore, your attention is particularly directed to the independent claims, which you should carefully read and fully understand.

To comply fully with the duty of disclosure imposed by the PTO, you should notify us of any further material information pertinent to the claimed invention which would add to the prior art discussed in the Background Art section of your application.

If you first have any questions regarding your application, the scope of the claims therein, or your obligations as an inventor, call me as soon as possible.

Additionally, the correct inventors must be named in a patent application or the resulting patent can be declared invalid. An inventor is defined as one who conceives of the solution to a problem; the solution is the invention. The invention is legally defined in the claims of the patent application which are located at the end of the application. Please make sure you understand the claims and contact us if you have any questions. As further guidance regarding inventorship, an inventor must make some contribution to the inventive thought and final result, although conception of the entire solution is not required. Merely suggesting a desired result without suggesting means for attaining the result, or merely following the instructions or directions of others is insufficient. Joint inventors need not work physically together with each other although some form of collaboration between joint inventors during development of the invention is required. Joint inventors need not make identical contributions nor contribute to the subject matter of every claim, but an inventor must contribute to the subject matter of at least one claim. If you are still unclear as to who is an inventor, please contact us.

ACKNOWLEDGEMENT

I am aware that the Patent and Trademark Office has imposed on inventors a duty of good faith and candor, including a duty to disclose any material information relating to my application. I am also aware that only the correct inventors may be named as such. I hereby acknowledge that, to the best of my knowledge and belief, I have disclosed to Donald R. Studebaker and/or Bradley D. Blanche all such material information.

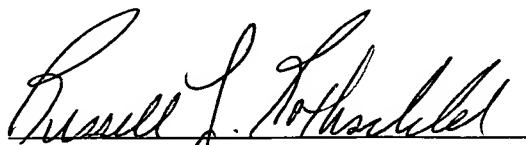

Vernon R. Rothschild

13/Nov./96
Date


John R. Fox

13 NOV 96
Date


960021 6265480




Russell J. Rothschild



Date



Kelly Ann Rothschild



Date

Please return this acknowledgement, along with the executed patent application, promptly. If you first have any questions regarding your application, the scope of the claims therein, or your obligations as an inventor, call me as soon as possible.

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DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

ATTORNEY DOCKET NO. 0792-119

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled: NATURAL FOOT ORTHOSIS AND METHOD OF MANUFACTURING THE SAME

the specification of which is attached hereto unless the following box is checked:

☐ The specification was filed on _____
and was assigned Serial No. _____
(if known)
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows:

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and checked at right:

Prior Foreign Application(s)			Priority Claimed	
(Number)	(Country)	(Month/Day/Year Filed)	Yes	No

All foreign applications, if any, for any Patent or Inventor's Certificate filed more than 12 months prior to the filing date of this application:

FULL NAME OF SOLE OR FIRST INVENTOR Vernon R. Rothschild	INVENTOR'S SIGNATURE <i>Vernon R. Rothschild</i>	DATE 11/13/96
RESIDENCE (City, State & Country) Berlin, Maryland USA		CITIZENSHIP USA
POST OFFICE ADDRESS (Complete Address including City, State & Country) 4619C Ocean Pines, Berlin, Maryland 21811 USA		
FULL NAME OF SECOND JOINT INVENTOR John R. Fox	INVENTOR'S SIGNATURE <i>John R. Fox</i>	DATE 13 NOV 96
RESIDENCE (City, State & Country) Trappe, Maryland USA		CITIZENSHIP USA
POST OFFICE ADDRESS (Complete Address including City, State & Country) 31656 Orchard Farm Road, Trappe, Maryland 21673 USA		
FULL NAME OF THIRD JOINT INVENTOR Russell J. Rothschild	INVENTOR'S SIGNATURE <i>Russell J. Rothschild</i>	DATE 11/13/96
RESIDENCE (City, State & Country) Kent Island, Maryland USA		CITIZENSHIP USA
POST OFFICE ADDRESS (Complete Address including City, State & Country) 116 Thompson Drive, Kent Island, Maryland USA		
FULL NAME OF FOURTH JOINT INVENTOR Kelly Ann Rothschild	INVENTOR'S SIGNATURE <i>Kelly Ann Rothschild</i>	DATE 13 NOV 96
RESIDENCE (City, State & Country) Berlin, Maryland USA		CITIZENSHIP USA
POST OFFICE ADDRESS (Complete Address including City, State & Country) 6670 Ocean Pines, Berlin, Maryland 21811 USA		

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Country	Application No.	Date of Filing (Month/Day/Year)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status: patented, pending, abandoned
08/707,489	September 19, 1996	Pending

I hereby appoint the following attorneys to prosecute this application and/or any international application and to transact all business in the Patent and Trademark Office connected therewith:

Daniel W. Sixbey, (Reg. No. 20,932)
Charles M. Leedom, Jr. (Reg. No. 26,477)
David S. Safran (Reg. No. 27,997)
Joan K. Lawrence (Reg. No. 29,940)
Jeffrey L. Costellia (Reg. No. 35,483)
Tim L. Brackett (Reg. No. 36,092)
Karlton C. Butts (Reg. No. 39,126)

Stuart J. Friedman (Reg. No. 24,312)
Gerald J. Ferguson, Jr. (Reg. No. 23,016)
Thomas W. Cole (Reg. No. 28,290)
Donald R. Studebaker (Reg. No. 32,815)
Evan R. Smith (Reg. No. 35,683)
Eric J. Robinson (Reg. No. 38,285)
Bradley D. Blanche (Reg. No. 38,387)

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McLean, Virginia 22102
Telephone: (703) 790-9110

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned hereby authorize any U.S. attorney or agent named herein to accept and follow instructions from Rothchild's Orothopedics as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys or agents named herein will be so notified by the undersigned.